

In the United States Patent and Trademark Office

#8  
9/1/99

Serial Number: 09/035,936  
Appn. Filed: 1998 MAR 02  
Applicant(s): BERNARDY, ECKHARD  
Appn. Title: ROTARY SHREDDING BLADE  
Examiner/GAU: H. SHACKELFORD/3671

Mailed: 1999 AUG 19  
At: PORTLAND, OR PDX PO

Petition to Make Special

Assistant Commissioner for Patents  
Washington, District of Columbia 20231

Sir:

Applicant hereby respectfully petitions that the above application be made special under MPEP Sec. 708.02 for the following reason;  
attached is a declaration in support thereof:

I. ☒ Manufacturer Available;\*

II. ☒ Infringement Exists;\*

III. ☐ Applicant's Health Is Poor;

IV. ☐ Applicant's Age Is 65 or Greater;

V. ☐ Environmental Quality Will Be Enhanced;

VI. ☐ Energy Savings Will Result;

VII. ☐ Recombinant DNA Is Involved;\*

VIII. ☒ Special Procedure: Search Was Made;\*

IX. ☐ Superconductivity Is Advanced;

X. ☐ Relates to HIV/AIDS or Cancer;\*

☒ Also attached, since reason I, II, VII, VIII, or X has been checked, is the \$ 130.00 Petition Fee pursuant to  
Rules 102 and 17(i).

Very respectfully,

Applicant(s):

Eck of Bernardy

Attachment(s): Fee if indicated and supporting Declaration

c/o: ECKHARD BERNARDY  
11017 NE 124 AVE,  
VANCOUVER, WA 98682-1624  
Telephone/FAX (360) 256-9160

GROUP 3600  
AUG 30 1999  
RECEIVED

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**Petition to Make Special  
In the United States Patent and Trademarks Office**

Appn. Number: 09/035,936

Appn. Filed: 1998 Mar 02  
Applicant: Bernardy, Eckhard  
Appn. Title: Rotary Shredding Blade  
Examiner: H, Shackelford / GAU 3671



Mailed: 1999 Aug 20  
At: Portland, OR PDX PO

**Declaration in Support of Accompanying Petition to Make Special  
Reason 1-Manufacturer is Available**

In support of the accompanying Petition to Make Special, applicant declares as follows:

1. I am the applicant in the above-identified patent application.
2. Oregon Cutting Systems Division, a wholly owned subsidiary of BLOUNT, INC, has expressed an interest to begin Licencing Negotiations after having conducted evaluation of the commercial product based on this application, which is known under the trade name 'Master Shredder'. Please find a copy of an Aug. 17<sup>th</sup> 99 letter from BLOUNT enclosed.

**Reason II-Infringement Exists**

3. U.S. Patent Document 5,875,700, issued on March 2<sup>nd</sup>, 1999 was obtained through 'FRAUD ON THE PTO' by Mr. Robert A. Powell, who falsely declared himself to be the inventor of the subject matter contained in the above Patent Document and which is also the subject matter of the present Application. Mr. Powell is the proprietor of 'Performance Quality Saw Shops', of Camas, Washington and had been contacted by applicant to produce blades under applicant's U.S. Patent Document 5,361,570. No blades were produced by Mr. Powell and his firm, but Mr. Powell had become privy to confidential information on further blade improvements made by applicant and fraudulently filed for letter patents. Mr. Powell's competitive product is presently marketed under the trade name 'NU TECH'. Please see copy of sales brochure also enclosed.

**Reason VIII-Special Procedure: Search Was Made**

4. A thorough search was made and submitted on Information Disclosure Statement, thereby facilitating the examiner's task.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by a fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing therefrom.

Very respectfully,

  
Eckhard Bernardy

11017 NE 124<sup>th</sup> Ave.

Vancouver, WA 98682-1624

Tel/Fax: (360) 256-9160

BLOUNT, INC.  
SHREDDER CUTTING SYSTEMS DIVISION  
4509 SE INTERNATIONAL WAY (97222 4679)  
PO BOX 22127  
PORTLAND OR 97269 2127  
503 653 8881  
FAX 503 653 4201

August 17, 1999



Mr. Eyck Bernardy  
SIMPLAR U.S.A., INC.  
P.O. Box 1148  
Brush Prairie, WA 98606

**BLOUNT**

Dear Eyck:

Since my last communication with you on June 28, 1999, I have reviewed your Master Shredder blade with our marketing and sales people. The general consensus is that we should pursue the concept to the next level. Of course, there are a lot of details that need to be understood before any agreement can be reached.

I have reviewed the prior documentation provided by you, again this week. Of major concern is the status of your patent and the appeal to nullify the patent held by Bob Powell of NuTech. We cannot consider manufacturing or selling the Master Shredder blade unless this issue is resolved.

Assuming that the patent is secure and there are no associated legal issues, we can consider entering into a licensing agreement with your company. Since we did not discuss terms of such an agreement during our last meeting, it is import that you prepare a document that outlines your expectations. Assuming that we would manufacture and distribute this blade, a royalty agreement of some sort would be in order.

Please give me your feedback and let me know when you would like to meet again.

Sincerely,

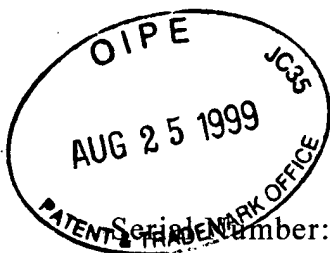
Jack D. Griffin  
Product Line Manager Accessories

/SMc

c: Bob Szeimies  
Ted Cruise

ENCLOSURE a) RELATES TO  
APP. NO 09/035,936  
BERNARDY  
GAU 3671  
PETITION TO MAKE SPECIAL  
AMENDMT. 'A'





Enclosure 5)

Serial Number: 09/035,936

Amendment: A

Applicant: Bernardy

GAU: 3671

This Enclosure refers to: 1) Petition to Make Special

2) Page 20 of Amendment A, (11)

# New Brush Cutter Mulcher

for most hand operated brush whackers.

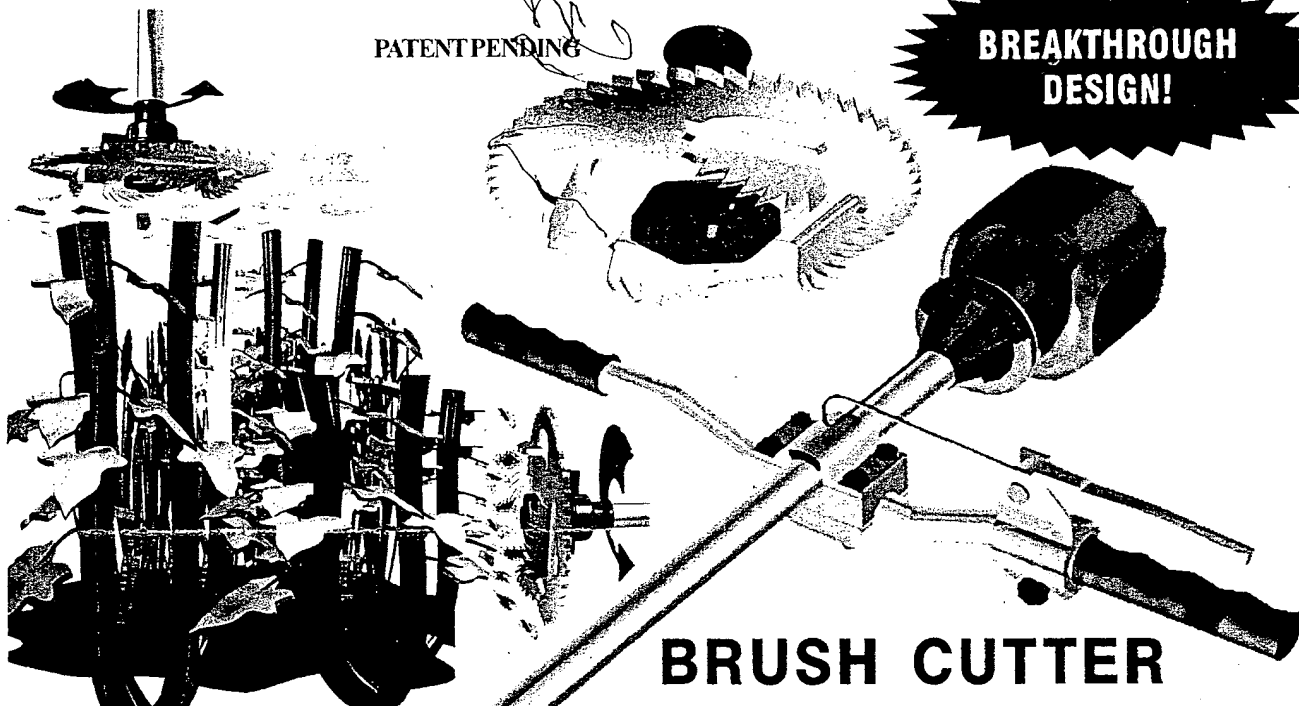
A very capable sawblade, and multiple individual cutting elements, makes this blade not only a brush cutter, but a very efficient brush shredder.

This blade solves the problem of stacking & burning, by shredding into mulch, ending the nightmare of disposing of grasses, blackberry vines, etc.



PATENT PENDING

**BREAKTHROUGH  
DESIGN!**



**WARNING!**

USE WITH APPROVED  
SAFETY EQUIPMENT ONLY.

**BRUSH CUTTER  
PHONE 360-834-3460**



Best Available Copy

**NEW BRUSH CUTTER MULCHER FOR MOST HAND OPERATED BRUSH WHACKERS**

A VERY CAPABLE SAWBLADE. MULTIPLE INDIVIDUAL

CUTTING ELEMENTS, MAKES THIS BLADE NOT ONLY

A BRUSH CUTTER, BUT A VERY EFFICIENT BRUSH

CHOPPER. THIS BLADE SOLVES THE PROBLEM OF

STACKING & BURNING, BY SHREDDING INTO MULCH.

ENDING THE NIGHTMARE OF DISPOSING OF GRASSES.

BLACKBERRY VINES ETC.

PATENT  
PENDING

**WARNING!**  
USE WITH APPROVED  
SAFETY  
EQUIPMENT  
ONLY

**NU**

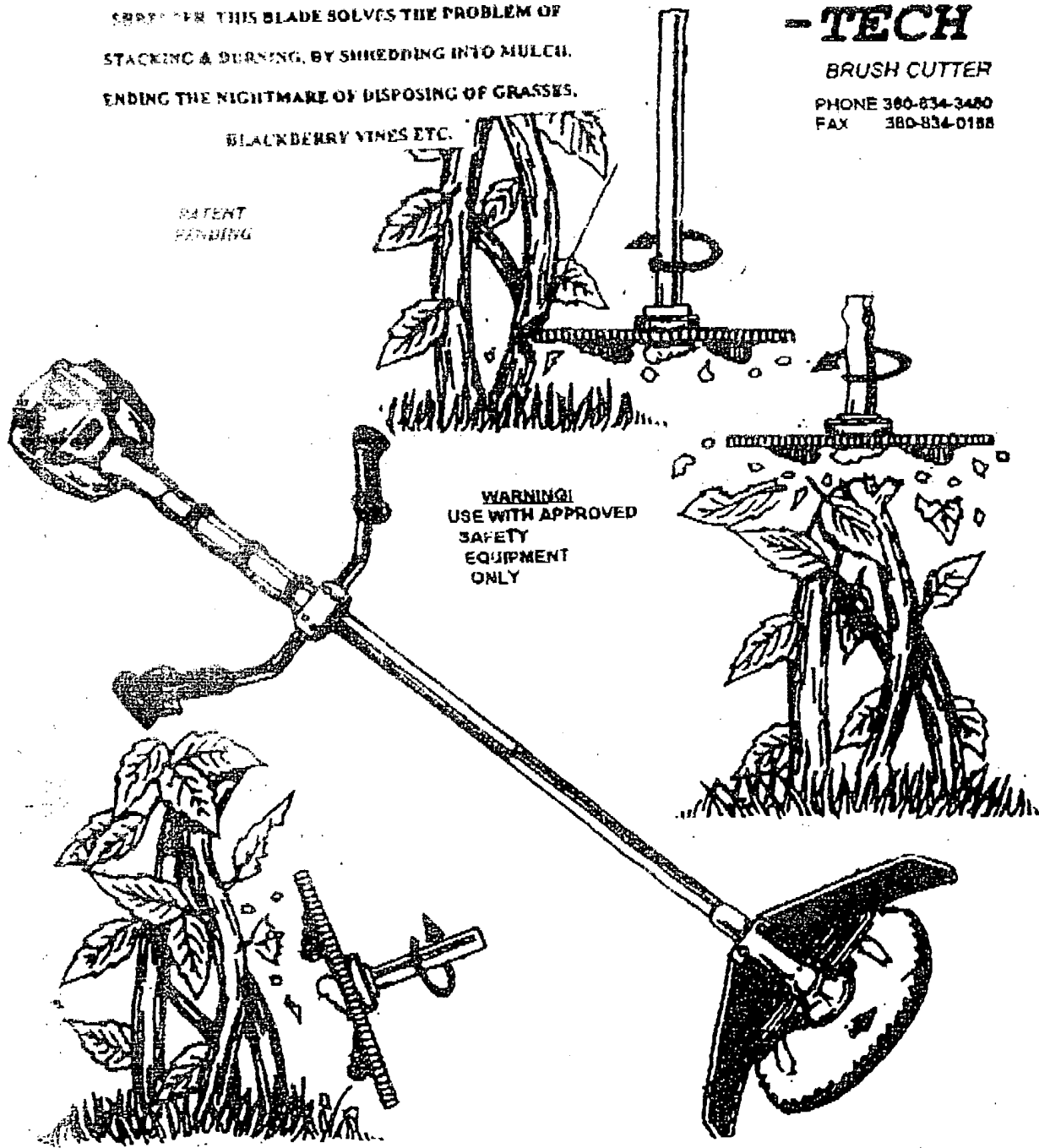
**-TECH**

BRUSH CUTTER

PHONE 380-834-3480

FAX 380-834-0188

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ENCLOSURE)  
RELATES TO PAGE 20 under (9)  
AMENDMENT A' BERNARDY  
FILE NUMBER 09/035,936  
GAU 3671



**In The United States Patent And Trademarks Office**

**Commercial Success; Statement Showing Of:**

This is to certify that I am the proprietor of COUNTY STIHL stores, specializing in outdoor power equipment and tools and located at 18004 NE 72<sup>nd</sup> Ave., and at 10006 A East Mill Plain Blvd., both in Vancouver, State of Washington and that further we have been very successfully retailing the novel 'MASTER SHREDDER BLADES' produced and distributed by 'SIMPLAR CO, Inc.', a Washington Co wholly owned by Mr. E. Bernardy, during a past time period of somewhat over one year.

We have received excellent customer acceptance and feed-back regarding this uniquely effective new product, having found that it saves the consumer so much in both time and effort, that he or she is well satisfied with the purchase.

A handwritten signature in cursive script, appearing to read "Tom Scibilia".

Tom Scibilia, owner County Stihl, Aug. 19, 1999  
Tel. (360) 574-0043 / (360) 882-0043



ENCLOSURE 2  
RELATES TO PAGE 20 (9)  
AMENDMENT 'A' BERNARDY  
FILE NUMBER 09/035,936  
GAU 3671

COPY



**THE MASTER SHREDDER™  
BRUSH BLADE  
from**



Technical Information  
&  
Performance Data



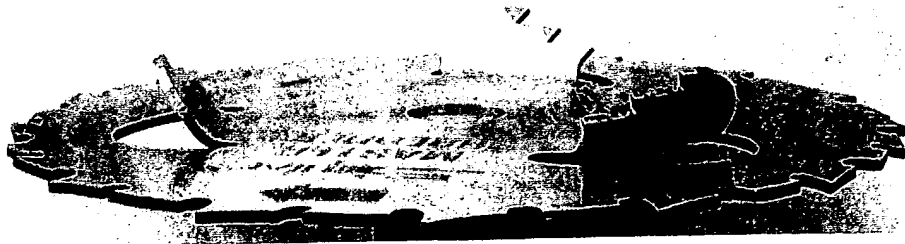
# INTRODUCTION & PURPOSE

Thank you for making your time available to have a look at this promising new product which is already successfully filling a marketing niche in the competitive outdoor power equipment accessory field here in the North-West.

The purpose of this presentation is to provide you with convenient, objective information on performance characteristics and key technical details of Simplar's innovative **MASTER SHREDDER™** brush blade.

The original blade concept is protected under U.S. Patent 5361570, with additional patent pending. This presentation conveys no proprietary rights. Certain aspects of the manufacturing process are confidential, but can be made available under appropriate circumstances at a later time.

The information presented hereby may be used within **Oregon Cutting Systems Division** and its parent company **Blount, Inc.** to initialize an independent evaluation process for purposes of reaching a possible purchase or licensing agreement for the intellectual property and related product.



# KEY DESIGN ASPECTS OF THE **Simplar**™

## MASTER SHREDDER™ BRUSH BLADE

Our innovative blade was specifically designed to resolve the problems and limitations of conventional brush blades. We found that for heavy cutting a fine saw toothed blade works best. Well spaced, rugged chisel type saw teeth give us **highly efficient horizontal cutting**.

However, a good saw blade by itself (no matter the tooth number or structure) simply can't shred well. And so we added **axial cutting elements**, called **WING CUTTERS™**. To keep things simple, we extruded the Wing Cutters™ right from the original blade stock. The Wing Cutters™ work in conjunction with the peripheral blade cutting teeth and suddenly we not only have **efficient vertical shredding**, but **horizontal shredding** as well - in addition to the original **horizontal saw cutting capability** we started out with!

All this makes for an **extremely efficient and versatile cutting attachment**. Now **the operator has instant, on - site choices**: He can readily saw cut saplings, branching or heavy vines. Or he can simply use the built-in shredding capability on a wide range of grasses (wet or dry), heavy weeds, brush or vines, including blackberry. No more manual handling of the prickly vines. No more piling up, no burning, no hauling to some distant landfill. Time and effort saved.

An incidental and unexpected benefit of using the saw blade with extruded Wing Cutters™ is to provide additional debris shielding for the operator who stays largely unaffected and protected behind this blade - in welcome contrast to ordinary brush blades notorious for debris casting.





# TECHNICAL DATA OF THE



## MASTER SHREDDER™ BRUSH BLADE

Blade Size:.....	9"
Arbor:.....	1" (with available step-down reducer to 20mm)
Blade Thickness:.....	0.100"
Peripheral Tooth Number:.....	30
Peripheral Tooth Structure:.....	'Chisel type'
Gullet Size:.....	0.250"
Crown Rise:.....	0.175"
Hook, Positive:.....	3 degrees (low kick-back)
Set:.....	6 degrees
Wing Cutters™ Number of:.....	3
Wing Cutters™ Tooth Number Each:.....	3
Wing Cutters™ Tooth Structure:.....	Triangular, no Gullets
Hook, Positive:.....	12 degrees (imaginary center )
Set:.....	no set used
Finish:.....	Ground,(oil coated for anti-corrosion)
Logo/Warning Labels:.....	Permanent Acid Etchings, additional blade instructions supplied with each blade
Material:.....	Heat treated saw steel
Hardness:.....	49 Rockwell 'C' Scale throughout
Reclaiming:.....	Field-dressing with file or professional
Maximum Speed Rating:.....	10 000 RPM (tested to 13 000 RPM)
Voluntary Industry Safety Standard:.....	ANSI B 175.3-1997 - Power Tools - Grass Trimmers and Brushcutters
Implementation:.....	Random statistical sampling

## MARKETING & LEGAL

The Master Shredder™ blade has been successfully test-marketed in the local Clark County area for slightly over one year and some important conclusions can be drawn from this limited product introduction.

The first useful fact to be drawn is that the blade enjoys an extremely high degree of consumer acceptance due to its unique performance attributes. Consumers have repeatedly gone out of the way to praise the blade. The most successful dealer (County Stihl, owner Tom Scibilia) notes that the kind of customer feedback he's gotten is very unusual in his trade. The Master Shredder™ has become his best selling after-market blade at both his North and South stores.

Another important item has been the complete lack of any user problems reported. The blade is sold with a full money back warranty. County Stihl has sold about 200 blades and received only a single return (for obscure reasons and accepted under 'good will').

The suggested retail price of \$39.99 was arrived at after some initial adjustment and is well accepted by both dealers and consumers. Production costs are presently near \$10 and could be further reduced when economies of scale and automation are realized. This provides for satisfactory margins at the production, wholesale and retail levels.

The blade's growing word of mouth reputation (no advertising was conducted) has drawn the attention of the news media. Portland's KOIN TV (CBS affiliate) sent a news team headed by reporter David Schmidke to investigate and actually field test the blade. The results were extremely positive and the piece was subsequently aired by the station and also by FOX 49 and carried nationally by PRIMESTAR. The local paper THE REFLECTOR published a well written print piece on the blade, lending local credibility.

Through an earlier business association a local saw shop owner became privy to a further blade improvement which had been on file some time prior to the association, but not implemented.

Through breach of confidentiality and fraud on the U.S. Patent and Trademarks Office a competitive patent was then obtained and a further fraudulent application filed with the Canadian Intellectual Property Office. Both the fraudulent U.S. Patent and the Canadian Patent Document are being challenged during the time period allowed by statute.

Our position proving priority in each instance is legally sound and we are confident of a revised outcome.

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